THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27158 of 2007

DATED:20-12-2007

BETWEEN:

A.Eswara Reddy.

..... PETITIONER

AND

The Government of A.P.,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat,
Hyderabad & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the 2nd respondent in not considering the stay petition filed in the appeal against proceeding No.R.Dis.(D)441/2007, dated 25-09-2007, of the 3rd respondent directing eviction of the petitioner from the agricultural lands admeasuring Ac.0.62 cents in Sy.No.442/6; and Ac.0.36 cents in Sy.No.443/A1 situated at Pudipatla village, Tirupati Rural mandal, Chottoor District, as illegal, and arbitrary.

3. It is the case of the petitioner that as against the order passed by the 3rd respondent-Tahsildar, Tirupathi Rural mandal, in R.Dis.(D)441/2007, dated 25-09-2007, resuming the lands of an extent of Ac.0.62 cents in Sy.No.442/6 and Ac.0.36 cents in Sy.No.443/A1 under Section 4(1) of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act') on the ground that the said lands assigned in favour of one P.Errama Reddy, S/o Venkat Reddy were alienated in favour of the petitioner in 2004 in contravention of sub-Section (2) of Section 3 of the Act, he filed an appeal before the 2nd respondent-Revenue Divisional Officer, Tirupati, Chittoor District on 14-11-2007 along with stay application and the

same is pending without consideration.

4. I am of the opinion that pending disposal of the statutory appeal, it may not be just and proper to dispossess the petitioner from the said land.

5. Having regard to the facts and circumstances 2nd respondent is directed to consider and dispose of the said appeal filed against the order of the 3rd respondent, and pending disposal of the said appeal petitioner shall not be dispossessed.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

20th December, 2007.
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